

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

MICHELLE K., et al.,
Plaintiffs,

v.

COUNTY OF SONOMA, et al.,
Defendants.

Case No. 22-cv-01202-AMO (RMI)

ORDER ON JOINT LETTER BRIEF

Re: Dkt. No. 338

Before the court is a joint letter brief filed “concerning the deposition of Dr. Virginia Crossleysmith and whether the psychotherapist-patient privilege protects [Defendant] Gina Centeno’s communications with Dr. Crossleysmith.” (Dkt. 338, p. 1). The court finds the matter suitable for disposition without a hearing pursuant to Federal Rule of Civil Procedure 78(b) and Civil Local Rule 7-1(b).

Defendants seek to take the deposition of Dr. Crossleysmith, but Dr. Crossleysmith is concerned that sitting for a deposition may violate her obligations under California’s psychotherapist-patient confidentiality requirements and subject her to prosecution. The court finds that the deposition should go forward on two bases. First, Gina Centeno waived the psychotherapist-patient privilege when she gave a letter of support authored by Dr. Crossleysmith to third parties. *See id.* at 7–8. That letter details facts and circumstances surrounding Gina Centeno’s care of foster children, her mental status, her emotional status, the fact that she was seeking therapy related to her foster children, diagnoses, and other topics. *Id.* By submitting this letter to investigating agencies and personnel, Gina Centeno waived the psychotherapist-patient privilege. *See Jaffee v. Redmond*, 518 U.S. 1, 15 n.14 (1996) (“Like other testimonial privileges,

1 the patient may of course waive the protection.”).

2 Second, the psychotherapist-patient privilege does not apply when the communication is
3 made in furtherance of a crime, fraud, or tort. *See United States v. Zolin*, 491 U.S. 554, 563
4 (1989). As stated, the letter was submitted in support of Gina Centeno to government agencies
5 which were investigating her for abuse of foster children in her care. Gina Centeno has since been
6 convicted of harassing and abusing those children and is now incarcerated. *See* Dkt. 1, p. 3.
7 Because the communications with Dr. Crossleysmith were made in furtherance of these crimes,
8 the court finds that the privilege does not apply.

9 Accordingly, the court finds that the psychotherapist-patient privilege between Gina
10 Centeno and Dr. Crossleysmith has been waived and, in any case, does not apply because the
11 communications were made in furtherance of a crime. Dr. Crossleysmith is hereby ORDERED to
12 appear for her deposition.

13 **IT IS SO ORDERED.**

14 Dated: May 27, 2025



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17 ROBERT M. ILLMAN
United States Magistrate Judge
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